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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,909	03/05/2002	John Slabich	50047590-0045	9188

7590 09/22/2004
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EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,909

Applicant(s)

SLABICH ET AL.

LM

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-25 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1-25 are currently pending. No claims have been withdrawn or cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9 and 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Elsner US4841102.

As to claim 1, Elsner discloses, an air seal system (the limitation “for a loudspeaker” is intended use and holds little patentable weight), comprising: a baffle board 1 having a passage (aperture defining the top of 7) coupled to a gland 3 so as to form a break in the gland; and a cord gasket 9 comprising a first end, a second end, and a segment positioned between the first end and the second end, where the segment is positioned in the gland of the baffle board, a first portion of the segment extends through the break into the passage and terminates at the first end, and a second portion of the segment extends through the break into the passage adjacent to the first end and terminates at the second end for forming a localized airtight seal.

As to claim 2, Elsner discloses, where the passage leads to a pocket 7 having a depth and where at least one of the first end and the second end are positioned in the pocket.

As to claim 3, Elsner discloses, where the pocket depth is greater than a depth of the gland.

As to claim 5, Elsner discloses, where the passage leads into a notch (the curved side of 7 is a notch; or the conical surface at the bottom of 7 is a notch) and where at least one of the first end and the second end are positioned in the notch.

As to claim 6, Elsner discloses, where the passage further leads to a pocket.

As to claim 7, Elsner discloses, where the second end of the cord gasket is positioned in the pocket.

As to claim 8, Elsner discloses, where the passage comprises a first wall having a first tab and a second wall comprising a second tab (the tabs are best shown in Fig. 4), where the first tab and second tab face one another to define a gap (the gap is defined between the portion of the housing that extends lowest on the upper half and the portion of the housing that extends highest in the lower half in Fig. 4).

As to claim 9, Elsner discloses, where a distance of a gap is less than a distance of a cross-sectional diameter of the cord gasket.

As to claim 13, Elsner discloses, where the first end and the second end are positioned in the passage to overlap one another (Fig. 4) and a depth of the passage is greater than a depth of the gland.

As to claim 14, Elsner discloses, where the first end is secured in a first notch and the second end is secured in a second notch at a location that is remote from the first end.

As to claim 15, Elsner discloses, an air seal system for a loudspeaker, the air seal system comprising: a housing 2; a baffle board 1; and means 9 for creating an airtight seal between the baffle board and the housing.

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As to claim 16, Elsner discloses, wherein the creating means includes a passage in the baffle board coupled to a gland to form a break in the gland.

As to claim 17, Elsner discloses, wherein the creating means further includes a cord gasket having a first end and a second end positioned in the passage.

As to claim 18, Elsner discloses, wherein the creating means includes a pocket in the baffle board having a depth and where at least one of a first end and a second end of a cord gasket are positioned in the pocket.

As to claim 19, Elsner discloses, wherein the creating means further includes a passage in the baffle board coupled to a gland to form a break in the gland and where the pocket depth is greater than a depth of the gland.

As to claim 20, Elsner discloses, wherein the creating means includes at least one notch in the baffle board and where at least one of a first end and a second end of a cord gasket are positioned in the at least one notch.

As to claim 21, Elsner discloses, wherein the creating means includes a first wall in the baffle board having a fast tab and a second wall in the baffle board having a second tab and where the fast tab and second tab face one another to define a gap.

As to claim 22, Elsner discloses, wherein a distance of the gap is less than a distance of a cross-sectional diameter of a cord gasket located in the gap.

As to claim 23, Elsner discloses, wherein the baffle board includes a gland and the creating means includes overlapping ends of a cord gasket within a passage in the baffle, where the depth of the passage is greater than a depth of the gland.

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As to claim 24, Elsner discloses, where the creating means includes a first notch in the baffle board positioned at a remote location from a second notch in the baffle board and a cored gasket having a first end secured in the first notch and a second end secured in the second notch.

As to claim 25, Elsner discloses, where the first and second segment portions are compressed in the break (the fact that the cord is bent and pushed into the break inherently shows compression).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner

US4841102 in view of case law.

As to claim 4, the difference between the claim and Elsner is the claim recites, where the depth of the pocket is approximately 0.5 inch to 1.0 inch. Elsner may disclose these dimensions, but they are not specifically shown or claimed. However, it has been held that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Furthermore, the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961). It would have been obvious to one of ordinary skill in the art, having the disclosure of Elsner before him at the time the invention was made, to modify the dimensions of

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Elsner to be approximate to the dimensions claimed because changes of size and proportion are designed considerations within the skill of one of ordinary skill in the art.

Allowable Subject Matter

Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 10, the prior art of record fails to disclose or suggest a surface of the first tab and a surface of the second tab each chamfered to define a v-shaped groove. The closest prior art of Elsner discloses tabs, but does not disclose or suggest chamfering those tabs to form v-shaped grooves. Furthermore, a teaching to chamfer the tabs would negatively impact the shielding capabilities of Elsner, and would not have been obvious to one ordinary skill in the art.

As to claim 12, the prior art of record fails to disclose or suggest at least one of the tabs configured to flex when pressed from one side and remain rigid when pressed from the other side. The closest prior art of Elsner discloses tabs, but does not disclose or suggest the ability for the tabs to flex. Furthermore, the prior art or record fails to disclose any teaching to make the tab of Elsner flexible.

Response to Arguments

Applicant's arguments filed 6/8/04 have been fully considered but they are not persuasive.

As to claims 1-3, 5-7, 13-20 and 23-24, Applicant argues that Elsner fails to disclose an air seal system for a loudspeaker. The Examiner disagrees. In response, that limitation is in the

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preamble, and is merely intended use, which holds little patentable weight. Applicant then argues that Elsner fails to disclose or suggest the other limitations in claim 1. The Examiner disagrees. The structural elements in Elsner that correspond to the limitations claimed by Applicant are detailed in the rejection above.

Applicant then argues that Elsner fails to disclose or suggest an airtight seal. The Examiner disagrees. Clearly, the Seal in Elsner has no breaks in the cord gasket, and is therefore airtight.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US6465731 to Miska discloses an emi shielding gasket.
2. US6403878 to Neuwardt discloses an emc shielding device for a housing.
3. US6653556 to Kim discloses a conductive gasket.
4. US6308960 to Peale discloses a v-lock segmented speaker gasket.
5. US6190751 to Sylvester discloses a self-adhesive reinforced foam gasket.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER